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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,184	07/22/2005	Martin E. Laker	GAMSON 1	9839
72468 7590 09/11/2008 HODES, PESSIN & KATZ, P.A. 901 DULANEY VALLY ROAD, SUITE 400 BALTIMORE, MD 21204				
EXAMINER				
EMPIE, NATHAN H				
ART UNIT		PAPER NUMBER		
1792				
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09/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/543,184

Applicant(s)

LAKER ET AL.

Examiner

NATHAN H. EMPIE

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner acknowledges receipt of 6/5/08 amendment to the claims which was entered into the file. Claims 1-25 are currently pending.

Election/Restrictions

Claims 21-25 are directed to an invention that is independent or distinct from the invention originally elected for the following reasons: The invention of claims 21-25 is directed to a method of using a tack cloth to wipe down vehicle surface. These claims and the claims listed in the previous office action as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. Unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more technical features. Specifically, the term "special technical features" is defined as meaning those technical features that define a contribution which each of the inventions considered as a whole, makes over the prior art. In the instant case, the wiper/tack cloth of claim 1 does not define a contribution over the prior art; for instance, a lint-free wiper made of a polyester knitted fabric is shown in US 6,739,160 (see Abstract and columns 3 and 7).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-25 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

Claims 8-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 has been amended to recite the added limitation "wherein the tack cloth is not pressure sensitive", this is considered a negative limitation. "Any negative limitation or exclusionary proviso must have basis in the original disclosure. The mere absence of a positive recitation is not basis for an exclusion." MPEP 2173.05(i). Further on page 5, line 12 of applicants specification the applicants states "Product is *not* as pressure sensitive when used by operator", a recitation of "*not* as pressure sensitive" does not adequately support a limitation to a tack cloth which *is not* pressure sensitive.

The dependant claims do not cure the defects of the claims from which they depend.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the method of claim 1". There is insufficient antecedent basis for this limitation in the claim, as claim 1 has been cancelled. Claim 10 appears to further limit the processing conditions of an oven, which appears in claim 8, so the examiner is interpreting "the method of claim 1" as "the method of claim 8".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birke et al. (US patent 3,984,198, hereafter Birke) in view of Reinhardt et al (US patent 2,261,096; hereafter Reinhardt) and Tsumadori et al. (US patent 4,795,573; hereafter Tsumadori).

Claim 8 and 18-20: Birke teaches a method of impregnating a woven or non woven fibrous material substrate (5), by passing it through a solution in a resin free bath (23) containing a solvent (such as water / alcohol mixtures) and the substance desired to be impregnated (such as an antistatic agent) (see, for example, Fig 5, abstract, col 2 lines 63 – 68, col 3 lines 8 – 18, col 3 lines 19 – 42, col 12 lines 30 – 35). The substrate (5) is then squeezed between a pair of squeezing rollers (24) (see, for example, fig 5), the substrate is then passed through an oven (such as (1) at elevated temperatures where the solvents are burned off, and the impregnation agent is then cured (rendered

fast to the substrate by heat fixation) (see, for example, col 2 lines 22 – 30, col 11 line 47 - col 13 line 3).

Birke teaches the impregnation of a web of fibrous textile web materials (described above), but he does not explicitly teach cutting the substrates to desired lengths. The examiner takes official notice that it is well known in the art to cut a processed textile web into a desired length, to obtain separate cloths for direct use for further processing (sewing, laminating, etc). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have cut the fibrous textile web into desired lengths, to obtain usable / processable pieces of material.

Birke teaches the impregnation of a web of fibrous textile web materials (described above), but he does not explicitly teach the pressure being applied to the squeeze rolls. Reinhardt teaches a method of impregnating a fibrous web substrate comprising passing the impregnated substrate through squeeze rolls (14) after passing through the impregnation tank (13) (see, for example, Fig). Reinhardt further teaches the function of squeeze rolls is well known in the art wherein the pressure of the squeeze rolls serve to not only remove excess liquid but also to effect a more complete penetration of the impregnant into and through the substrate for intimate contact with the fibers of the substrate (see, for example, pg 1 second col, lines 14 - 25). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have squeezed the substrate under high pressure, or approximately 2500 pounds of force applied to the rollers, with the squeeze rolls taught by Birke to remove excess chemicals as Reinhardt has taught that the pressure with which the squeeze rolls

contact the substrate influence the degree of impregnation and the degree of liquid removal, and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Birke teaches the impregnation of a liquid containing a solvent and an antistatic agent into a web of fibrous textile material, but Birke does not explicitly teach wherein the antistatic agent is an alkyl quaternary ammonium salt. Tsumadori teaches a method of applying alkyl quaternary ammonium salts to a variety of fibers (see, for example, abstract). Tsumadori further teaches that alkyl quaternary ammonium salts are well known in the art to predictably serve as antistatic agents (see, for example, abstract). Because both Tsumadori and Birke in view of Reinhardt teach methods for imparting antistatic properties to fibrous substrates it would have been obvious to one of ordinary skill in the art to substitute one method for the other to achieve the predictable result of forming an antistatic fabric.

As the method taught by Birke in view of Reinhardt and Tsumadori satisfy the limitations of the claim 8, the examiner asserts that the cloth made by the method of Birke in view of Reinhardt and Tsumadori would inherently possess the claimed characteristics of the cloth; i.e. the cloth would be a tack cloth which is not pressure sensitive, is antistatic and will capture dirt and dust particles. Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of obviousness has been established, *In re Best*, 195 USPQ 430, 433 (CCPA 1977).

Claim 9: Birke in view of Reinhardt and Tsumadori teach the method of claim 8, wherein although Birke is silent as to the means of supplying the web substrate, Reinhardt has taught it is well known in the art to supply a fibrous substrate via a roll, and unwinding the supply roll to feed the process (see, for example, fig). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated a unwindable supply roll as taught by Reinhardt the substrate supply means in the method of Birke in view of Reinhardt and Tsumadori as a supply roll is well known in the art, and it would aid in saving floor processing space.

Claim 10: Birke further teaches wherein the burning off process / heat fixation process are conducted a variety of exposure times, and temperatures (see, for example, 120-210°C col 7 line 1 – col 13 line 3). One of ordinary skill in the art would appreciate that in a continuous web impregnation process such as that taught by Birke in view of Reinhardt and Tsumadori, that the web speed influences the duration of heat exposure. Although Birke in view of Reinhardt and Tsumadori do not explicitly teach the substrate passes though the oven at approximately 40 feet per minute, and at a temperature of between approximately 280°F to 350°F, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated processing conditions within the ranges claimed since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955), and in the case where the claimed ranges "overlap or lie inside

ranges disclosed by the prior art" a *prima facie* case of obviousness exists. In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976)

Claims 11, 12: Birke further teaches wherein the substrate comprises a knitted continuous synthetic filament such as polyester filament (see, for example, col 3 lines 8 – 18, and col 12 lines 30 – 33).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birke in view of Reinhardt and Tsumadori as applied to claim 8 above, and further in view of Sjostrom (US patent 3,010,005; hereafter Sjostrom).

Birke in view of Reinhardt and Tsumadori teach the method of claim 8 but do not explicitly teach wherein the tack cloth is cut by a heated tool which cuts and seals the tack cloth to eliminate loose fibers. Sjostrom teaches that fabrics are known to ravel along raw cut edges, wherein substantial allowances, and cleaning problems are incurred due to the raveling and loose threads (see, for example col 1 lines 1-45). To overcome these problems, Sjostrom has taught a method involving cutting and sealing the fabric with a heated cutting means (see, for example, col 1 lines 1 – 45). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated a heated cutting means into the method of Birke in view of Reinhardt and Tsumadori, as Sjostrom has taught that heated cutting means can seal cut surfaces which prevents raveling of said surfaces and resulting problems associated with raveling.

Response to Arguments

Applicant's amendment of claim 8 and supporting arguments filed 6/5/08, with respect to the rejection(s) of claim(s) 8-13, and 18-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive, as the previously applied primary prior art contained a resin. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Birke in view of Reinhardt and Tsumadori and Birke in view of Reinhardt and Tsumadori and Sjostrom as described above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN H. EMPIE whose telephone number is (571)270-1886. The examiner can normally be reached on M-F, 7:00- 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. H. E./
Examiner, Art Unit 1792

/Michael Cleveland/
Supervisory Patent Examiner, Art Unit 1792